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October 30, 2023

**VIA ECF**

The Hon. Robert B. Kugler  
United States District Judge  
USDJ, District of New Jersey  
Mitchell H. Cohen Building  
& U.S. Courthouse  
4th & Cooper Streets, Room 1050  
Camden, NJ 08101

Special Master the Hon. Thomas Vanaskie  
Stevens & Lee  
1500 Market Street, East Tower  
18th Floor  
Philadelphia, PA 19103

RE: *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation*, No. 1:19-md-2875-RBK-KMW (D.N.J.)

Dear Judge Kugler and Judge Vanaskie:

I write on behalf of the Defendants' Executive Committee to inform the Court that Defendants wish to address the agenda topics below at the conference with the Court on November 1, 2023, and to set forth our positions on those items.

**I. Update on Losartan/Irbesartan Document Productions**

- A. Aurobindo.** Aurobindo has negotiated an extension of time to begin its rolling production of documents following irbesartan core discovery. It anticipates that rolling productions will not begin before mid-November.
- B. Hetero.** Hetero anticipates making its first production of documents by November 10, 2023, and will continue to make rolling productions of documents in line with its discovery obligations. Hetero continues to update its list of custodians to satisfy Plaintiffs' requests.



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- C. Sciegen.** Sciegen anticipates making its first production of documents by November 10, 2023, and will continue to make rolling productions of documents in line with its discovery obligations.
- D. Teva.** Teva has made one rolling document production and will be serving its second rolling production this week.
- E. Torrent.** Torrent anticipates making a production of documents by October 31, 2023, and will continue to make rolling productions of materials in line with its discovery obligations.
- F. Vivimed.** Vivimed anticipates making its first production of documents this week, and will continue to make rolling productions of documents in line with its discovery obligations.
- G. ZHP.** ZHP has made several rolling productions over the last few months, including one last week, and will continue to do so on an ongoing basis until discovery is substantially complete.

## **II. Update on Motion to Compel WeChat Production**

The parties have reached a tentative agreement regarding limited production of WeChat data from select ZHP custodians, obviating the need for oral argument.

## **III. Rite Aid Bankruptcy**

All litigation against Rite Aid, including claims within this MDL, have been stayed by the Bankruptcy Code. Any action against Rite Aid will need to be undertaken in the Bankruptcy Court. To the extent this submission is construed as being submitted on behalf of Rite Aid, Rite Aid preserves all rights under the automatic stay.

## **IV. Class Notice Plan**

Counsel for Defendants have continued to meet and confer with Plaintiffs' counsel, and the parties have made significant progress toward a class notice plan. Defendants anticipate that the meet-and-confer process should be complete in approximately a week to ten days, resulting in either an agreed class notice plan or defined differences on discrete issues that can be briefed on an expedited basis. Defendants will be prepared to discuss a schedule for submission of the class notice plan at the case management conference.

## **V. TPP Trial Preparation**

Defendants' position regarding preparation for the upcoming TPP trial is set forth in Greg Ostfeld's October 25, 2023 letter to the Court. (See [ECF No. 2518](#).)



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**VI. PFS Deficiencies and Orders to Show Cause**

**Cases Addressed at the October 4, 2023 Case Management Conference:**

The Court issued 16 show cause orders returnable at the November 1, 2023 Case Management Conference:

1. *Leslie Sturgill v. ZHP, et al.* – 23-cv-612
2. *Joseph George v. Hetero, et al.* – 21-cv-12916
3. *Michelle Worms v. Hetero, et al.* – 20-cv-19852
4. *Robert Lee v. Hetero Drugs, et al.* – 20-cv-19843
5. *Karl Bartels v. Hetero Labs, et al.* – 20-cv-19869
6. *Ronald Jackson v. Torrent, et al.* – 23-cv-2341
7. *Byron Wrigley v. ZHP, et al.* – 23-cv-831
8. *Steven Petrie v. ZHP, et al.* 23-cv-1772
9. *Emmett Wesson v. Aurobindo, et al.* – 23-cv-2342
10. *Stacey Thomas v. Hetero, et al.* – 19-cv-21832
11. *Phillip Quinn v. Hetero, et al.* – 21-cv-16026
12. *E/O Alexandra Samocha v. Hetero, et al.* – 21-cv-17384
13. *Benjamin Andrews v. ZHP, et al.* – 21-cv-10908
14. *Pauline Harris v. Aurobindo, et al.* – 23-cv-03016
15. *Antoinette Smith v. Aurobindo, et al.* – 23-cv-4166
16. *Vicki Lamb v. Hetero, et al.* – 23-cv-3700

The issues in the *Sturgill*, *George*, *Lee*, *Jackson*, *Wrigley*, *Petrie*, *Wesson*, *Thomas*, *Quinn*, and *Smith* matters are resolved, and the show cause orders may be withdrawn.

The issues in the *Samocha* and *Harris* matters remain unresolved, but the parties agree to an extension of the show cause orders until the next case management conference.

The issues in the *Worms*, *Bartels*, *Andrews*, and *Lamb* matters remain, and Defendants request their dismissal.

**Second Listing Cases – Order to Show Cause Requested:**

Pursuant to CMO-16, the Plaintiff Fact Sheets in the below cases are substantially incomplete and contain core deficiencies. Each of these cases was previously listed on the agenda for a prior CMC. This list was provided to Plaintiffs' leadership on October 24, 2023, and a global meet and confer was held on October 27, 2023. Defendants have also been available for further discussion as needed. Accordingly, Defendants request that an Order to Show Cause be entered in each of these cases, returnable at the next case management conference, as to why these cases should not be dismissed.



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Defense counsel will be prepared to address the individual issues with respect to each of these cases, to the extent necessary, during the November 1, 2023 Case Management Conference:

	<b>Plaintiff</b>	<b>Civil Action No.</b>	<b>Law Firm</b>	<b>Deficiencies</b>	<b>Deficiency Sent</b>
1.	Igor Berkovski v. Hetero, et al.	23-cv-4153	Charles E. Boyk	No PFS Filed	10/3/23
2.	Janice Parks v. ZHP, et al.	23-cv-4155	Farr, Farr	No PFS Filed	10/3/23

**First Listing Cases – Remaining Core Deficiencies:**

The following Plaintiff Fact Sheets contain core deficiencies which remain unresolved. This list was provided to Plaintiffs' leadership on October 24, 2023, and a global meet and confer was held on October 27, 2023. Defendants have also been available for further discussion as needed. This is the first time these cases have been listed on this agenda. Accordingly, Defendants are not requesting orders to show cause with respect to any of the below cases at this time and will continue to meet and confer to resolve these deficiencies.

	<b>Plaintiff</b>	<b>Civil Action No.</b>	<b>Law Firm</b>	<b>Deficiencies</b>	<b>Deficiency Sent</b>
1.	Ocie Mae Haughton v. Aurobindo Pharma, Ltd.	23-cv-3646	Davis & Crump	Need medical expenses; Health Insurance authorizations must be witnessed	10/11/23



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	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
2.	Mary Hines v. ZHP, et al.	23-cv-2674	Nabers Law	Authorizations must be signed and witnessed	10/11/23
3.	Barbara Kaluhiokalani v. Hetero	23-cv-2550	Nabers Law	Largely deficient PFS; No documents	10/11/23
4.	Earl Mike v. ZHP, et al.	23-cv-4204	Farr Farr	No PFS Filed	10/7/23
5.	Stanley Shannon v. Aurobindo, et al.	23-cv-4229	Farr Farr	No PFS Filed	10/8/23
6.	Dena Wallace v. ZHP, et al.	23-cv-4298	Farr Farr	No PFS Filed	10/10/23
7.	Mary Bishop v. Mylan, et al.	23-cv-4317	Farr Farr	No PFS Filed	10/10/23
8.	Robert Kennedy v. Aurobindo, et al.	23-cv-13282	Levin Papantonio	No PFS Filed	10/30/23



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	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
9.	Jerry Anderson v. Aurobindo, et al.	23-cv-13680	Farr Farr	No PFS Filed	11/1/23

Respectfully Submitted,



Jessica Davidson

cc: All counsel of record (via ECF)t